Developing Language Policies to Help Immigrants Become Economically Self-Reliant

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The recent release of the Census 2000 Supplementary Survey confirms that immigration is changing the face of California. Although California's share of new immigrants has decreased, one-quarter of the state's residents were born in another country. Nearly 40 percent of Californians speak a language other than English at home, with the vast majority being fluent in both English and their native tongue. While Latinos make up a majority of the state's new immigrants, the survey found that 34 percent of the state's immigrant population comes from Asia.

Asian immigrants arrive from many different countries and with various educational backgrounds. They range from well-educated engineers to low-income blue collar workers. With the growth of the computer industry, many Asian immigrants have been successful in building careers or businesses in high technology. More than 20 percent of the skilled workers in Silicon Valley are immigrants from Asia, and significant numbers occupy managerial positions in mid- to large-size technology companies (Saxenian 1999).

The success of some Asian immigrants, however, overlooks the struggles faced by others. The Census Supplementary Survey found that a greater portion of Asian American families live in poverty than the general population (10.3% of Asian families versus 9.3% of the general population, and 5.5% of non-Hispanic white families). Demographers have long recognized high poverty rates among Southeast Asian families (e.g., Hmong, Mien, and Cambodians). However, these groups are not entirely unique. A higher portion of Chinese, Pakistani, Korean, Thai, and Indonesian-Americans also live in poverty. For many Asian immigrants, a lack of English proficiency limits their economic opportunities, ability to participate in government and civic programs, and ultimately efforts to fully participate in community life.

My testimony will focus on the role that the state can play in helping adult immigrants, particularly those who are economically disadvantaged, learn English, develop vocational skills, and secure critical government services to help facilitate their integration into California communities. My testimony draws primarily on my experience at Chinese for Affirmative Action (CAA), a 32-year-old civil rights organization that provides employment services to low-income residents and policy advocacy. While a majority of our clients are Chinese-Americans, many of the problems they face are shared by other immigrants.

Developing Effective Adult Education Programs that Teach English and Vocational Skills

Any state-led effort to help facilitate immigrants' integration should include an assessment of the current adult education programs aimed at teaching immigrants English and basic vocational skills. The Census Supplementary Survey shows that one out of eight working-age Californians (ages 18 to 64), or approximately 12.3 percent, does not speak English well. Since these

individuals are in their prime working years, and their incomes usually support other family members, helping them become self-reliant is critical to California's future.

Although comprehensive assessments of adult education programs for immigrants in California are lacking, anecdotal information suggests that these programs do not fully serve limited English proficient (LEP) adults' needs. Surveys and focus groups with immigrants across the state have found that while most immigrants are aware of English-as-a-Second Language (ESL) courses at adult schools and community colleges, significant numbers find that the courses do not respond to their need to develop vocational skills as they learn English (Kissam and Reder 1997). Others cite overcrowded classrooms, inflexible schedules, and lack of childcare as barriers to attending adult education programs. Educators and policymakers also have identified poor retention in language courses as a significant problem. Language acquisition involves a long learning process. Yet, surveys show that most LEP adults' attendance in ESL programs is transitory, often less than three months at one time, and most do not advance to higher level classes (*Id.*). *See also* Little Hoover Commission (March 2000).

Despite the shortcomings of ESL courses, many immigrants remain very interested in learning English through existing adult education programs. (Kissam and Reder 1997) (finding that one-third of California LEP residents seek adult education). This high level of interest in ESL is consistent with the findings of an unpublished CAA study designed to identify ways in which the organization can better serve the employment needs of low-income San Francisco residents.[1] Most of our survey and focus group participants recognized that adult education programs offer critical opportunities to improve their English skills, but many had specific recommendations for changes that better accommodate their interest or busy schedules. The issues raised by our San Francisco focus group participants, combined with research from other parts of California, suggest that with significant input from immigrants, ESL courses can become more accessible and more helpful in teaching LEP adults English. Below are some specific recommendations:

- ***Require Community Colleges serving a substantial LEP student population to assess and develop plans to address their communities' language acquisition and vocational education needs.*** The state's community colleges are the primary institutions that provide language and vocational education courses to LEP adults. Yet most of these of these colleges have not conducted a comprehensive assessment of the educational needs of this population. This assessment is particularly needed at those community colleges which serve a substantial immigrant population.[2] A comprehensive assessment should not only examine the current capacity of each institution to serve LEP adults (e.g., number of ESL course hours offered), but should focus on other issues that determine the institution's responsiveness to LEP adult education needs. At a minimum, the following questions should be addressed:

[1] Our study included the distribution of surveys, asking respondents to address questions about their employment and vocational education needs, to 350 former CAA employment clients, of which 98 were returned. CAA also held three focus groups, primarily with Chinese-American workers, to discuss these issues in greater detail. The research was conducted in Spring 2001.

[2] Over 80 percent of the state's adult LEP population resides in twelve counties (Los Angeles, San Bernardino, Orange, San Diego, Alameda, San Francisco, San Mateo, Contra Costa, Santa Clara, Fresno, Kern, and San Joaquin) (Kissam and Reder 1997).

1. *How effective is their outreach to inform LEP adults of their education programs?* The primary form of outreach for most community colleges is the mass mailing of course schedules in English. What other forms of effective outreach are used? Do they utilize ethnic media or community agencies to publicize their programs? Do they have bilingual staff who can answer questions about course offerings or the registration process if contacted by potential ESL students?

2. *Is the curriculum of their current ESL and vocational education courses responsive to the needs of LEP adults in their community?* CAA's focus group discussions, combined with other research, suggest that many LEP adults want education that provides economic mobility or marketable employment skills, rather than learning only basic English skills. Many expressed frustration that most community college vocational education classes require a minimal level of English proficiency, leaving LEP adults with few opportunities to obtain vocational training. Combining ESL instruction with vocational education allows LEP adults to learn English and specific vocabulary or skills that improve their employment prospects. Given the high level of interest in vocational ESL or bilingual vocational training classes, community colleges should consider ways to offer more courses with this type of curriculum.

3. *Are the methods of ESL instruction responsive to the needs of LEP adults?* The vast majority of ESL courses in community colleges use traditional classroom instruction, requiring students to attend several classes per week. However, educators have developed alternatives that better accommodate the busy schedules of working adults and parents of young children. These methods include distance learning (using video or audio materials to allow self-directed study), workplace literacy programs (customized on-site instruction to immigrant workers), alternative scheduling programs (where instruction is provided over intensive or extended classes, often on weekends) and other alternatives that should be considered.

4. *What other barriers prevent LEP adults from enrolling in adult education programs?* One frequently mentioned example in both CAA's focus groups and other research is the lack of affordable, onsite childcare. A comprehensive assessment should also identify and address other barriers that discourage LEP adults from attending community college classes.

- ***Provide incentives for workplace literacy programs***. The state should consider incentives to motivate employers and apprenticeship programs to offer more customized English instruction to immigrant workers. Surveys show strong interest among LEP adults to learn English in their workplace, and during the last decade, employers and unions began looking at workplace literacy programs as tools to help retain and promote good workers. Although most workplace programs are initiated by employers, apprenticeship training programs can also be a good vehicle for providing ESL instruction. For instance, two years ago, the International Association of Bridge, Structural and Ornamental Iron Workers Local 377 worked with CAA to develop an ESL component in its apprenticeship training program. Facing a potential labor shortage and recognizing that an increasing number of its members were immigrants, Local 377 began admitting LEP workers into the apprenticeship program

with the requirement that they take ESL vocational classes provided by the apprenticeship program. The iron workers' program has allowed numerous LEP adults to enter the construction industry while they are still learning English and presents a good model of how workplace language training programs can benefit employers and unions by providing a source of qualified workers to meet their labor needs.

Helping Immigrants Secure Critical Government Services and Programs

Developing effective adult education programs will, in the long-run, help immigrants integrate into California. But given that many immigrants arrive with limited English skills, the state must also make efforts to ensure that their lack of English fluency does not lead to social or economic isolation. In the same way that lack of English fluency limits economic opportunity, it also limits immigrants' ability to enforce legal rights or access resources, a problem that the state can help address by making vital government services accessible in widely-spoken non-English languages. In this area, the state can look to a number of successful private sector models, where numerous retail businesses, telephone and utility companies, banks and health maintenance organizations have responded to changing California demographics by making their services available in multiple languages.

In July 2000, Governor Gray Davis created a unit within the State Personnel Board (SPB) to study how to improve access to state government services for LEP residents. As part of its assessment, SPB held public hearings in three cities. The testimony provided at these hearings demonstrate how language barriers at state agencies can inflict serious harm on people's lives, endanger public health and safety, and result in long-term costs to the state. Examples from the hearings included:

- Crime victims, including domestic violence victims, who could not communicate with law enforcement to report crimes.

- Workers who had difficulty reporting wage violations to the Department of Industrial Relations. In one incident, a Chinese American woman who filed a wage claim with the State Labor Commissioner in Los Angeles had to rely on her employer (the person she was suing) to translate for her at a hearing.

- Children who frequently missed school so that they could interpret for family members at public hospitals and other government agencies. Several youths testified that they often lacked vocabulary to interpret properly and feared that their mistakes would harm their families, particularly in medical situations.

Others identified access problems with agencies that help residents become more self-sufficient (e.g., Employment Development Department) and those that provide licenses or permits to small businesses (Department of Consumer Affairs).

Many of these issues were anticipated by the state legislature when it enacted the Dymally-Alatorre Bilingual Services Act in 1973. Recognizing that "the effective maintenance and development of a free and democratic society depends on the right and ability of its citizens and residents to communicate with their government," the law requires state and local agencies

serving a "substantial" number of non-English speaking people to employ a "sufficient number of qualified bilingual staff in public contact positions" and translate public-use documents, particularly those explaining the services provided by the agency. For state agencies, a "substantial" number is triggered when five percent or more of people who seek services are non-English speaking and share a common language. The term is undefined with respect to local governments.

Unfortunately, implementation of the Dymally-Alatorre law has never come close to fulfilling its promise. In November 1999, the State Auditor released a report concluding that many state and local agencies are not complying with the Act. In its review of ten large state departments, the report found that only two were even aware of their responsibility to translate materials, and only one of the ten agencies translated materials explaining services into languages spoken by a substantial number of the people it serves. Similarly, local agencies were also widely failing to provide services in the languages spoken by their clients. The report concludes that because the Act lacks an effective enforcement mechanism, local and state agencies have not been held accountable in carrying out their duty to provide language access to their constituents.

Many of the State Auditor's conclusions were confirmed by SPB in a report released in April 2001. SPB concludes that "few [state] departments have comprehensive written policies and procedures for the provision of meaningful access to government services by LEP populations" even though 12 percent of the people who sought services at state agencies during 1999-2000 spoke little or no English. Finding that the law "lacks critical oversight and enforcement mechanisms," the report makes a number of recommendations including legislative changes.

SB987, authored by Senator Martha Escutia and pending in the state Assembly, addresses the major deficiencies identified in these reports and tries to improve implementation of state agencies by (1) creating an enforcement mechanism, including an administrative remedy, and (2) requiring departments to identify existing deficiencies and developing implementation plans to remedy them. If adopted, SB987 would represent a significant step forward in making state government more accessible to LEP residents.

Fulfillment of the Dyamlly-Alatorre law's policy goal of making government accessible to LEP residents, however, requires more than the passage of a law; it requires that state and local governments proactively work to eliminate barriers that prevent LEP immigrants from utilizing their services. Some of the key issues that need to be addressed include the following:

- *Many government agencies remain unaware of the Dymally-Alatorre law and need to be informed of how their programs and services should be made accessible to LEP residents.*

- *Agencies need to assess their current capacity to serve LEP residents and develop implementation plans.* Because the Dymally-Alatorre law has been largely ignored by government agencies, many simply do not know what they currently do, if anything, to make services accessible to LEP residents. A surprisingly high number of state departments, for example, are unable to identify specific forms or other documents that have been translated into other languages.

- *Identify sources of funding to implement the Dymally-Alatorre law.* Implementation of the law will require a commitment of financial resources. The state should research and identify all federal sources of funding that could be used to help with translation and interpretation services. For instance, the U.S. Department of Health and Human Services makes matching funds available for health programs such as Medicaid and SCHIP. Other states use these matching funds to pay for translation costs. Currently, California's public health system is not set up in a manner to take advantage of potential federal reimbursements in this area.

- *Identify successful models and best practices.* One model is the state's Department of Motor Vehicles (DMV), an agency that has more contacts with the public than any other state department. The department has attempted to provide services accessible to LEP residents in an efficient and economic manner. DMV continually assesses the language needs of local offices, and use this information to make decisions about written translation needs and the assignment of bilingual staff. It has translated the California Driver's Handbook into five languages, the basic Driver's License written test into 30 languages, and approximately 60 percent of its public-use documents into Spanish. Yet, in fiscal year 1999-2000, it only spent approximately $75,000 on outside vendor translation services and had two Spanish language staff translators who were responsible for translating all of these documents.

- *Create economies of scale.* Significant economies of scale can be achieved by consolidating and coordinating language access resources. In the state of Washington, the state health and social services department created one language services division for all its programs. By consolidating its language services across the state, Washington has been able to leverage very competitive contracts, to closely monitor and set standards for interpretation and translation, and to minimize unnecessary and long-term costs (e.g., the department keeps all translated documents in a central database so that revisions can be made for the cost of a few words). California could take a similar approach by consolidating language service needs across state and local agencies in order to better leverage competitive contracts with interpreters and translators, and to minimize repetition of services and improve overall quality and control. On a smaller scale, the state could also create an interagency language bank, or pool of translators and interpreters, to aid state agencies in translating documents in a cost-efficient, timely, and accurate manner.

Creating an Office of Immigrant Assistance

One of the questions posed by the Commission is whether the state should create an Office of Immigrant Assistance to provide specialized service to immigrants. Such an office could be helpful in coordinating state policy and providing technical assistance to local and state agencies on meeting the needs of the state's immigrant population. Rather than providing services directly to immigrants, its key function should be to help state and local departments identify ways in which their existing services or programs can become more accessible and meet the needs of immigrants. With California's changing population, government institutions ranging from community colleges to local agencies must think of immigrants as key constituents. Providing resources to help immigrants learn English, access government programs and become self-reliant is an investment that will pay dividends for all Californians over the long-run.

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